



Tr.C.M.P.(MD)No.199 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 09.06.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)No.199 of 2026
and
C.M.P.(MD)No.4516 of 2026

Aarthi @ Meenakshi

**... Petitioner/
Respondent**

Vs.

A.Ayyavu Bharathi

**... Respondent/
Petitioner**

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C., to withdraw the H.M.O.P.No.35 of 2026 pending on the file of the learned Sub Judge, Melur and transfer the same to the learned Family Court, Madurai.

For Petitioner : Mr.A.Balaji

For Respondent : Mr.K.Prabhu



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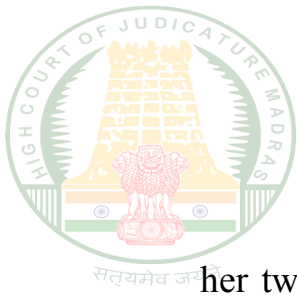
ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.35 of 2026 from the file of the Subordinate Court, Melur, and transfer the same to the file of the Family Court, Madurai.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3. It is not in dispute that the marriage between the petitioner and the respondent was solemnized on 09.03.2023 as per the Hindu rites and customs and due to their wedlock, they were blessed with two female children now aged 2 years and 4 months respectively and that subsequently there arose some misunderstanding and they are living separately. It is also not in dispute that the respondent filed a petition in H.M.O.P.No.35 of 2026 seeking divorce and the same is pending on the file of the Subordinate Court, Melur.

4. The learned counsel appearing for the petitioner would submit that the petitioner is residing at V.Odaiyapatti, Madurai District along with



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her two female children and finds it difficult to travel to Melur to attend the hearings.

5. The learned counsel appearing for the respondent would submit that Melur is situated within the distance of 25 kms and the petitioner has purposely filed the present petition to cause harassment to the respondent.

6. The learned counsel appearing for the petitioner would submit that the petitioner delivered a child 4 months back.

7. In the case of *N.C.V.Aishwarya Vs. A.S.Saravana Karthik Sha* reported in *2022 Live Law (SC) 627*, the Hon'ble Supreme Court has reiterated the position with generally, it is the wife's convenience, which must be looked at while considering the transfer petition under Section 24 of the Code of Civil Procedure and the relevant passage is extracted hereunder :

“The cardinal principle for exercise of power under Section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever



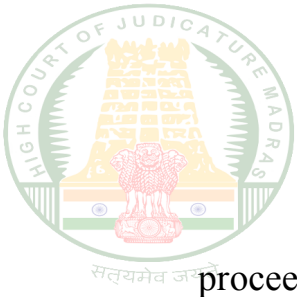
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Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing socioeconomic paradigm in the Indian society, generally, it is the wife's convenience which must be looked at while considering transfer.", the bench observed."

8. Considering the above facts and circumstances and also taking note of the fact that the petitioner is residing at V.Odaiyapatti, Madurai District, this Court is of the view that the case in H.M.O.P.No.35 of 2026 is ordered to be withdrawn from the file of the Subordinate Court, Melur, and transfer the same to the file of the Family Court, Madurai. Accordingly, the learned Subordinate Judge, Melur, is hereby directed to transmit the entire records in H.M.O.P.No.35 of 2026 to the file of the Family Court, Madurai, within a period of 10 days from the date of receipt of a copy of this order and on receiving the case bundle, the learned Judge, Family Court, Madurai, is directed to take up the petition on file and



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proceed in accordance with law.

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9. With the above direction, the Transfer Civil Miscellaneous Petition is allowed. Consequently, connected Miscellaneous Petition is closed. No costs.

09.06.2026

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

1. The Subordinate Judge,
Melur.
2. The Judge,
Family Court,
Madurai.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

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Tr.C.M.P.(MD)No.199 of 2026
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Dated : 09.06.2026